

Follow-up Questions: EPA Technical Comments on Statement of Facts

1. Please confirm that the final FY2022 OPPT FTE count was 305 (rounded), as provided yesterday in EPA's response to Information Request No. 10. (We want to clarify an edit made by EPA to the SOF that stated this number was 303 FTE).

*EPA Response: For FY 2022, OPPT planned to expend 249.3 FTEs for TSCA implementation work. OPPT expended 247.6 FTEs. For FY 2022, OPPT planned to expend 311.1 FTEs for the entire office. OPPT expended 305.3 FTEs.*

2. EPA struck the following language from the statement of facts: *However, OCSPP officials told us that they did not know how many FTEs would be needed to clear the backlog of TSCA chemical reviews.* At this time, we have not determined our final language for this topic, but without further information, we cannot remove the original statement.

- a. Please clarify any concerns EPA had about the currency, correctness, or completeness of the struck language.

*EPA Response: EPA struck this language because it is not current or correct.*

- b. If the language is not current, correct, or complete, please provide supporting evidence.

*EPA Response: On November 16, 2022, EPA published a supplemental notice of proposed rulemaking (SNPRM) titled "Fees for the Administration of the Toxic Substances Control Act (TSCA)" (Federal Register 87, no. 220, pp. 68647-68667, [HYPERLINK "<https://www.govinfo.gov/content/pkg/FR-2022-11-16/pdf/2022-24137.pdf>" ]). Table 3 in the SNPRM provides EPA's estimate that administering the agency's TSCA Section 5 program, which includes new chemical review as well as additional responsibilities, requires 185.2 FTEs. In addition to staff members responsible for new chemical review, this estimate includes FTEs responsible for information technology supporting the new chemical program and in EPA offices outside of OCSPP. Of the total FTEs identified in SNPRM Table 3 as needed to administer TSCA Section 5, approximately 160 would be in EPA/OCSPP/OPPT's New Chemical Division. The New Chemical Division currently includes 70 employees.*

3. EPA struck the following language from the statement of facts: *OCSPP does not routinely assess and update its workforce needs.* At this time, we have not determined our final language for this topic, but without further information, we cannot remove the original statement.

- a. Please clarify any concerns EPA had about the currency, correctness, or completeness of the struck language.

*EPA Response: The dynamic nature of EPA's TSCA implementation program compels the agency to constantly consider its workforce needs. Suggesting that EPA does not routinely assess its workforce needs is incorrect.*

- b. If the language is not current, correct, or complete, please provide supporting evidence.

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*EPA Response: As an example of our ongoing consideration of workforce needs, OPPT senior leadership recently convened to determine priority areas for increased investment for FY 2023. This included the allocation of future hires to these priority areas. This plan is guiding OPPT hiring for the beginning of FY 2023.*

4. In footnote 27, EPA made the following clarification: *However, when asked, OCSPP clarified that its requested funding and FTE level for this program project for fiscal year 2023 was based on the Workforce Analysis which was provided to GAO.*

- a. Please clarify what workforce analysis EPA is referring to (e.g., OPPT's 2021 skills gap assessment)?

*EPA Response: EPA is referring to the 2021 skills gap analysis.*

- b. Please explain EPA's perspective on how the workforce analysis supports EPA's requested funding and FTE level for this program project for fiscal year 2023.

*EPA Response: The skills gap analysis was completed in December 2021, which allowed EPA no time to incorporate the information in the analysis into the FY 2022 President's Budget Request. As such, the skills gap analysis was an important touchstone in preparing EPA's FY 2023 budget request. Of course, improvements in our understanding of what works under the new requirements of the Lautenberg Act and changes in EPA's priorities for near-term progress on TSCA implementation mean that the agency necessarily refined its request for FY 2023.*

5. EPA noted that the requested FTE and funding, which were based on the Workforce Analysis and included in the FY23 President's Budget, involved internal and pre-decisional processes...The documents beyond those publicly available, such as the annual Congressional Justification, are internal deliberative.

- a. Please clarify whether EPA has internal deliberative documents that support EPA's requested funding and FTE level for this program project for fiscal year 2023 (i.e., that such documents exist).

*EPA Response: EPA has internal deliberative documents that support EPA's requested funding and FTE level for this program project for fiscal year 2023.*

- b. Please specify whether EPA has decided not to share the documents with GAO as part of this engagement.

*EPA Response: EPA has decided not to share the documents with GAO as part of this engagement.*